

June 7, 1924, and for the insertion of three new sections in said act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said act, to be designated as "5a" and "20a" and "41a" of said act; to the Committee on Insular Affairs.

By Mr. JAMES: A bill (H. R. 12270) authorizing the sale, under provisions of the act of March 12, 1926 (Public No. 45), of surplus War Department real property; to the Committee on Military Affairs.

By Mr. SIMMONS: Joint resolution (H. J. Res. 258) to provide for appropriate military records for persons who pursuant to orders reported for military duty but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 12271) for the relief of Carl Ramser; to the Committee on Claims.

Also, a bill (H. R. 12272) for the relief of Fred A. Robinson; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 12273) for the relief of Louis A. Yorke; to the Committee on Naval Affairs.

By Mr. DOWELL: A bill (H. R. 12274) granting an increase of pension to Rose Anna Barnett; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 12275) granting an increase of pension to Susan Grove; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 12276) for the relief of Harrison H. Bradford; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 12277) authorizing the Court of Claims of the United States to hear and determine the claim of James Luker; to the Committee on Naval Affairs.

Also, a bill (H. R. 12278) authorizing the Court of Claims of the United States to hear and determine the claim of Giacomo Uzzolino; to the Committee on Naval Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 12279) granting an increase of pension to Ellen Shaw; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12280) granting an increase of pension to Mary E. Knowles; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12281) granting an increase of pension to Elizabeth S. Kniesley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12283) for the relief of S. C. Limer; to the Committee on Claims.

By Mr. ZILMAN: A bill (H. R. 12284) granting an increase of pension to Catherine McDermitt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2212. By Mr. CARSS: Petition of Lodge No. 58, Sons of Norway, of Hibbing, Minn., indorsing the resolution before Congress, which provides for the recognition of Leif Ericson as the discoverer of America; to the Committee on the Library.

2213. By Mr. FRENCH: Petition of sundry citizens of Priest River, Idaho, against compulsory Sunday observance; to the Committee on the District of Columbia.

2214. By Mr. FULLER: Petition of Mr. Paul J. Carr, of Plano, Ill., and sundry other individuals, urging favorable action on the Haugen bill; to the Committee on Agriculture.

2215. Also, petition of the General Biological Supply House, of Chicago, Ill., and sundry individuals, urging early and favorable consideration of the House bill 7479; to the Committee on Agriculture.

2216. By Mr. GALLIVAN: Petition of the Massachusetts Forestry Association, Harris A. Reynolds, secretary, 4 Joy Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the game refuge bill; to the Committee on Agriculture.

2217. By Mr. O'CONNELL of New York: Petition of the American Farm Bureau Federation, opposing the acceptance of the bid for the Muscle Shoals development; to the Committee on Military Affairs.

2218. By Mr. SINNOTT: Petition of numerous citizens of Hereford, Oreg., protesting against the passage of House bills 7179 and 7822, the compulsory Sunday observance bills; to the Committee on the District of Columbia.

2219. By Mr. SWING: Petition of certain residents of San Diego, Calif., protesting against the passage of House bill 7179 and similar bills for the compulsory observance of Sunday; to the Committee on the District of Columbia.

2220. Also, petition of certain residents of San Diego, Calif., protesting against the passage of House bills 7179, 7822, 10311, and 10123, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2221. Also, petition of certain residents of San Diego County, Calif., protesting against the passage of House bills 7179, 7822, 10311, and 10123, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, May 19, 1926

(Legislative day of Monday, May 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed the concurrent resolution (S. Con. Res. 4) authorizing the joint committee on Muscle Shoals to hold hearings and employ expert clerical assistants, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions in which it requested the concurrence of the Senate:

H. R. 5683. An act authorizing the appropriation of \$2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*;

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair*;

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*;

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug No. 21, at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; and

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|-----------|----------------|----------------|------------|
| Ashurst | Fernald | Keyes | Sackett |
| Bayard | Ferris | King | Schall |
| Bingham | Fess | Leuroot | Sheppard |
| Borah | Frazier | McKellar | Shipstead |
| Bratton | Gerry | McMaster | Shortridge |
| Broussard | Gillett | McNary | Simmons |
| Bruce | Glass | Mayfield | Smoot |
| Butler | Goff | Means | Stanfield |
| Cameron | Gooding | Moses | Steck |
| Capper | Greene | Neely | Stephens |
| Caraway | Hale | Norbeck | Swanson |
| Copeland | Harrell | Norris | Trammell |
| Couzens | Harris | Nye | Tyson |
| Cummins | Harrison | Oddie | Underwood |
| Curtis | Heflin | Overman | Walsh |
| Dale | Howell | Pine | Warren |
| Deneen | Johnson | Pittman | Watson |
| Dill | Jones, N. Mex. | Randsell | Wheeler |
| Edwards | Jones, Wash. | Reed, Mo. | Williams |
| Ernst | Kendrick | Robinson, Ind. | Willis |

Mr. EDWARDS. I desire to announce that my colleague [Mr. EDGE] is absent on account of illness.

Mr. BRUCE. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Pennsylvania [Mr. REED], the senior Senator from New York [Mr. WADSWORTH], and the junior Senator from Wisconsin [Mr. LA FOLLETTE] are engaged in the special committee which is investigating the Tariff Commission.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

RESTRICTIONS ON IMMIGRANTS

Mr. WILLIS. Mr. President, pending on the Senate Calendar is a measure which, if passed, will very seriously infringe upon the limitations of the present immigration law. There appeared in the New York Herald of May 17 instant a brief editorial which is entitled "No entering wedges." I ask that that editorial may be printed in the RECORD without reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO ENTERING WEDGES

The effort to drive a wedge into the immigration act by admitting outside the quota relatives of resident aliens persists in spite of the failure of the original scheme to make any headway in the congressional committees. As a start toward breaking down the statute even a small wedge would be effective. Since the attempt to let an indeterminate number under the bars did not succeed, the proposal now is to limit the quantity, thereby setting a precedent which Congress might find it difficult later to disregard.

The new substitute for the Wadsworth-Perlman bill is less ambitious than the earlier attempt, in that it does not demand admission ad libitum of the favored relatives. It makes no provisions for mothers and fathers of aliens resident in the United States before July 1, 1924, confining the privilege to wives and unmarried minor children. Of these it would admit 35,000, the distribution to be apportioned equitably among the various nationalities. This 35,000 may seem a moderate addition, although after next year the entire quota will be only 150,000. The indulgence, however, would mark a radical extension of the non-quota exceptions and, in view of the steady pressure by the alien interests for a relaxation of the restrictive law, there can be no doubt that the 35,000 would be regarded by them simply as the first installment. Make the hole in the wall and the rest will follow.

The present law admits nonquota the wife or unmarried child under 18 of an American citizen, a provision considered liberal when the act was passed. Congress set up the quotas deliberately for the purpose of numerical limitation and wisely refused to whittle away the principle in behalf of resident aliens. The latter came to this country of their own volition and they are at liberty at any time to rejoin their families on the other side if the quota law prevents their early reunion here. If motives purely sympathetic were to control, if Congress were to have consulted the wishes of aliens, no quota law would have been passed.

The statute as it stands is sound and beneficial from an American standpoint. Congress would be undoing its good work if it should dilute and weaken the restrictions. The quota law can not be assailed by a frontal attack. It should easily resist any such flank movement as the alien relative drive.

PETITION

Mr. WHEELER presented the following telegram in the nature of a petition, which was referred to the Committee on Manufactures and ordered to be printed in the RECORD:

(Western Union telegram)

GARFIELD, N. J., May 19, 1926.

Senator WHEELER,

Washington, D. C.:

The City Council of Garfield, Bergen County, N. J., at meeting held May 18, by unanimous vote went on record favoring Senate investigation textile-strike situation in this vicinity.

A. PERRAPATO, Chairman,
JOSEPH QUINLIYAN,
JOSEPH AGLIA,
JOSEPH CHWAN,
JOSEPH KOLBECK,
JACK MORO,
W. M. McALPINE,
EDWARD KUNKEL,

Members of the City Council of the City of Garfield, N. J.

Attest:

JOSEPH J. NOVACK, City Clerk.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Naval Affairs, to which was referred the bill (S. 1023) authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy, reported it with an amendment and submitted a report (No. 851) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo., reported it without amendment and submitted a report (No. 855) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4119) for the relief of Edward R. Ledwell, reported it with an amendment and submitted a report (No. 856) thereon.

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 912) for the relief of Capt. George G. Seibels, Supply Corps, United States Navy (Rept. No. 857); and

A bill (H. R. 8846) for the relief of Cyrus Durey (Rept. No. 858).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5441) for the relief of Geraldine Kester (Rept. No. 859);

A bill (H. R. 7522) for the relief of William J. Nagel (Rept. No. 860); and

A bill (H. R. 7523) for the relief of John G. Hohl (Rept. No. 861).

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1594) for the relief of F. Joseph Chatterton (Rept. No. 862);

A bill (H. R. 4158) for the relief of Sophie J. Rice (Rept. No. 863);

A bill (H. R. 7024) for the relief of Walter Kent, jr. (Rept. No. 864);

A bill (H. R. 9237) to reopen, allow, and credit \$1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts (Rept. No. 865); and

A bill (S. 2302) for the relief of Elisha K. Henson (Rept. No. 888).

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4902) for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate (Rept. No. 866);

A bill (H. R. 6096) for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke (Rept. No. 867);

A bill (H. R. 7809) for the relief of H. H. Hinton (Rept. No. 868);

A bill (H. R. 8002) for the relief of Hewson L. Peeke (Rept. No. 869); and

A bill (H. R. 9135) for the relief of Natalie Summers (Rept. No. 870).

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5332) for the relief of T. Luther Pinder (Rept. No. 871);

A bill (H. R. 7776) for the reimbursement of Emma Pulliam (Rept. No. 872);

A bill (H. R. 2715) for the relief of the widow of W. J. S. Stewart (Rept. No. 873);

A bill (H. R. 2993) for the relief of Harry McNeill (Rept. No. 874);

A bill (H. R. 1538) for the relief of John Milton Pew (Rept. No. 875);

A bill (H. R. 5341) for the relief of Ruphina M. Armentrout (Rept. No. 876); and

A bill (H. R. 1961) for the relief of B. G. Oosterbaan (Rept. No. 877).

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 965) for the relief of C. B. Wells (Rept. No. 878);

A bill (H. R. 2254) for the relief of Howard A. Mount (Rept. No. 879);

A bill (H. R. 3278) for the relief of A. S. Rosenthal Co. (Rept. No. 880);

A bill (H. R. 6466) for the relief of Edward C. Roser (Rept. No. 881);

A bill (H. R. 7403) for the relief of John E. Luby, of New Bedford, Mass. (Rept. No. 882); and

A bill (H. R. 8794) to credit the accounts of W. W. House, special disbursing agent, Department of Labor (Rept. No. 883).

Mr. FERRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1472) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak., reported it with an amendment and submitted a report (No. 884) thereon.

He also, from the same committee, to which was referred the bill (S. 2878) authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, for the removal of gravel, reported it without amendment and submitted a report (No. 885) thereon.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1147) to establish game sanctuaries in the national forests, reported it with an amendment and submitted a report (No. 886) thereon.

Mr. HARRELD, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 8715) to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916, reported it without amendment and submitted a report (No. 887) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, N. C., reported it without amendment.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, reported it with amendments and submitted a report (No. 889) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee had presented to the President of the United States the following enrolled bills:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*;

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair*;

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained

by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*;

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug No. 21 at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; and

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 4294) granting an increase of pension to Phæbe May Osborne; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4295) granting a pension to William Swain (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 4296) granting an increase of pension to Rebecca Johnson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4297) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; to the Committee on the District of Columbia.

By Mr. UNDERWOOD:

A bill (S. 4298) granting the consent of Congress to William H. Armbricht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

A bill (S. 4299) granting the consent of Congress to William H. Armbricht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

A bill (S. 4300) granting the consent of Congress to William H. Armbricht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.; and

A bill (S. 4301) granting the consent of Congress to William H. Armbricht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 4302) to amend section 213 of the revenue act of 1926; to the Committee on Finance.

A bill (S. 4303) for the relief of Edmond Weil, Isidore Weil, and Fernand Weil, copartners doing business under the firm name and style of Alphonse Weil & Bros.; to the Committee on Claims.

A bill (S. 4304) to amend section 25 of the immigration act of 1924; to the Committee on Immigration.

A bill (S. 4305) to authorize the sale, under the provisions of the act of March 12, 1926 (Public 45), of surplus War Department real property; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 4306) granting an increase of pension to Mary C. King; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 4307) for the relief of Rose Thurin (with accompanying papers); to the Committee on Claims.

RIVERS AND HARBORS

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed to the bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public

works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

SURVEY OF YAZOO RIVER, MISS. (S. DOC. NO. 116)

Mr. STEPHENS. Mr. President, I present a report from the War Department with reference to the preliminary survey of the Yazoo River, Miss., and ask that it may be printed as a Senate document and referred to the Committee on Commerce.

There being no objection, the report was ordered to be printed as a document and referred to the Committee on Commerce.

CONSULTING ENGINEERS ON RECLAMATION PROJECTS

Mr. McNARY. Mr. President, I send to the desk the joint resolution (S. J. Res. 109) which I introduced yesterday. I would like to have the joint resolution read.

The VICE PRESIDENT. The clerk will read the joint resolution.

The Chief Clerk read the joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McNARY. Certainly.

Mr. KING. Would the amount appropriated or permitted to be appropriated come out of the reclamation fund?

Mr. McNARY. Yes; out of the reclamation fund.

Mr. BRUCE. I desire to inquire whether the Senator is asking that the joint resolution be taken up for immediate consideration?

Mr. McNARY. I am going to ask for the immediate consideration of the joint resolution.

Mr. BRUCE. I object. I observe or seem to observe that the employees proposed by the joint resolution do not come under the operation of the civil service law.

Mr. McNARY. This is a practice that has obtained in the Department of the Interior for many years in procuring the services of consulting engineers, experts in making designs and specifications and supervising the construction of large dams to impound water in the great Federal irrigation districts. Recently the comptroller has ruled that he can not pay in excess of \$20 a day, which small sum prohibits the Department of the Interior from acquiring the services of experts.

Mr. BRUCE. What sort of experts are they who are to be exempt from the operation of the civil service law?

Mr. McNARY. They are consulting engineers of long practice and experience, familiar with the designs of and specifications and plans for dams. Not more than three can be employed, and that for short periods of time, to consult with the regular engineers employed by the department. It has been done since reclamation was adopted as a part of the policy of the Government in 1902, until a few days ago, when the Secretary of the Interior requested that the joint resolution be introduced. I have a letter from him asking for early consideration, because Congress at its last session provided funds for the construction of six new projects.

Mr. BRUCE. Then, I understand the Senator to say that the exemption from the operation of the civil service law does not apply to any except these three consulting engineers?

Mr. McNARY. That is all.

Mr. BRUCE. I make no objection.

Mr. CURTIS. Mr. President, I should like to know if the joint resolution has gone to a committee?

The VICE PRESIDENT. The joint resolution was referred last night to the Committee on Irrigation and Reclamation.

Mr. CURTIS. Has it been reported out by that committee?

Mr. McNARY. It has not been reported out. I personally know of no objection to it, and I did not take the time to call the committee together this morning because I have been in attendance upon another committee. If the joint resolution passes here without objection, it does not necessarily need to go to a committee.

Mr. CURTIS. I have no objection to the joint resolution, but we would be establishing a very bad practice to let a joint resolution go through without having it referred to a committee and reported from a committee. I shall ask that the regular course be pursued and that the joint resolution be reported first from the committee. I am perfectly willing that the Senator shall poll the committee.

Mr. McNARY. I have that right, I thank the Senator. Nevertheless, what I have proposed follows a practice which has been adopted here on many occasions when some one was desirous of obtaining quick action. But if I am to be held up in the matter, I shall report it later to-day.

Mr. CURTIS. I have no desire to hold up the Senator, but I say it is a bad practice. It was not done more than once, to my knowledge. Had I been present on that occasion I should have objected, because it is a bad precedent to establish. Every joint resolution and every bill should go to a committee and be reported before we act upon it.

Mr. McNARY. If it is a bad practice, it is hoary with age.

Mr. CURTIS. I must object, nevertheless.

Mr. McNARY. Very well. I will have the joint resolution reported out to-day, and I shall ask unanimous consent for its consideration at the earliest opportunity.

Mr. CURTIS. I have no objection to that procedure, of course.

VIADUCT ACROSS MAHONING RIVER AT GIRARD, OHIO

Mr. BINGHAM. From the Committee on Commerce, I report back favorably, with an amendment, the bill (S. 3931) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio, and I submit a report (No. 852) thereon.

Mr. WILLIS. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Connecticut.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert the following:

That the consent of Congress be, and it is hereby, granted to the board of county commissioners of Trumbull County, Ohio, and its successors in office, to construct, maintain, and operate an overhead viaduct, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at Girard, Trumbull County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISSISSIPPI

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 7188) granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River in the State of Mississippi.

Mr. STEPHENS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert:

That the consent of Congress is hereby granted to the J. R. Buckwalter Lumber Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Pearl River at a point suitable to the interests of navigation at or near Edinburg, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Mississippi, any political subdivision thereof within or adjoining which any part of such bridge is

located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Mississippi under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The J. R. Buckwalter Lumber Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said J. R. Buckwalter Lumber Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. R. Buckwalter Lumber Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAKE WASHINGTON BRIDGE, WASHINGTON

Mr. BINGHAM. From the Committee on Commerce, I report back favorably with amendments the bill (S. 2959) granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington, and I submit a report (No. 853) thereon.

Mr. JONES of Washington. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, on page 2, line 4, after the figures "1906," to insert a comma and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The next amendment was, on page 2, beginning at line 5, to strike out sections 2 and 3 in the following words:

SEC. 2. Said Lake Washington Corporation is hereby permitted to mortgage its rights under this act and the bridge to be constructed hereunder.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

And to insert in lieu thereof the following:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Washington under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Lake Washington Corporation, its successors, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said Lake Washington Corporation, its successors, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Lake Washington Corporation, its successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI BRIDGE AT MINNEAPOLIS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report favorably with amendments the bill (S. 3989) to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city, and I submit a report (No. 854) thereon.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, on page 2, line 3, after the word "hereof," to insert a comma

and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert a new section, as follows:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

The amendment was agreed to.

The next amendment was, on page 2, line 4, to change the section number from 2 to 3.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENT OF LANDS OF THE CROW TRIBE

Mr. HARRELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That any allottee classified as competent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. Any adult incompetent Indian, with the approval of the superintendent, may lease his or her allotment, or any part thereof, and the allotments of minor children for farming and grazing purposes. The allotments of orphan minors shall be leased by the superintendent. Moneys received for or on behalf of all incompetent Indians and minor children shall be paid to the superintendent by the lessee for the benefit of said Indians. No lease shall be made for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency"; and the Senate agree to the same.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,

Managers on the part of the Senate.

SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,

Managers on the part of the House.

Mr. HARRELD. Mr. President, I ask the attention of the Senator from Montana [Mr. WALSH] to the conference report which I have just submitted. This is a conference report on the Crow Indian bill. I will ask for the immediate consideration of the conference report, if it meets with the approval of the Senator from Montana.

Mr. WALSH. I will say that the report of the committee of conference is entirely satisfactory to me.

Mr. HARRELD. I ask unanimous consent for the immediate consideration of the conference report.

The VICE PRESIDENT. Is there objection?

There being no objection, the report was considered and agreed to.

SANTA YSABEL INDIAN RESERVATION LANDS, CALIFORNIA (S. DOC. NO. 114)

Mr. HARRELD submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,

Managers on the part of the Senate.

SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,

Managers on the part of the House.

Mr. WALSH. I ask the Senator from Oklahoma the nature of the conference report which he has just submitted.

Mr. HARRELD. It is a conference report on a House bill concerning the Santa Ysabel Indian Tribe in California. It involves a very small matter.

MORONGO INDIAN RESERVATION LANDS, CALIFORNIA (S. DOC. NO. 115)

Mr. HARRELD submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. W. HARRELD,
SAM G. BRATTON,
ROBERT M. LA FOLLETTE, Jr.,

Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,

Managers on the part of the House.

ALBERT REID

Mr. SMOOT. From the Committee on Finance I report favorably without amendment Senate Resolution 224.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 224) submitted by Mr. Smoot on May 14, 1926, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Albert Reid the sum of \$200 for expert services rendered by him to the Committee on Finance during the Sixty-ninth Congress, first session, in compiling, editing, and indexing hearings, reports, and bills relating to the revenue act of 1926.

Mr. SMOOT. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

Mr. CURTIS subsequently said: Mr. President, a parliamentary inquiry. I desire information relative to the resolution reported by the Senator from Utah [Mr. SMOOT] a few moments ago, which was adopted.

Mr. KING. I will say to the Senator from Kansas that it involves an expenditure of about \$200.

Mr. CURTIS. I am aware of that, but what else does the resolution propose to do? Is it intended that the money shall be taken out of the contingent fund of the Senate?

Mr. SMOOT. Yes.

Mr. CURTIS. Then, Mr. President, under the rule the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask that it may be so referred.

Mr. SMOOT. Similar resolutions have been passed in this way by the Senate for years making such payments to the beneficiary, Mr. Reid. I have no objection, however, to a reference of the resolution to the committee if the Senator from Kansas so desires.

The VICE PRESIDENT. The Chair sustains the point of order made by the Senator from Kansas [Mr. CURTIS], and the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

CONSULTING ENGINEERS ON IRRIGATION DAMS

Mr. McNARY. From the Committee on Irrigation and Reclamation I report back favorably without amendment the joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Bureau of Reclamation the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed \$50 per day and necessary traveling expenses, including a per diem of not to exceed \$4 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than \$3,500 for any engineer so employed for the time employed and actually engaged upon such work: Provided, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McNARY. Mr. President, as a part of my remarks, I desire to have inserted in the Record the letter from the Secretary of the Interior, which I send to the desk.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 17, 1926.

HON. CHARLES L. McNARY,
United States Senate.

My DEAR SENATOR McNARY: Until recently the Department of the Interior had authority to employ engineering or scientific experts and to pay any reasonable compensation. A recent ruling of the comptroller fixes the maximum compensation which can be paid at \$20.83 a day. Experienced and qualified engineers habitually receive for their services compensation in excess of this sum and their services can not be secured under this limitation.

The department is in need of such engineering advice in carrying out appropriations which have been made for the investigation and construction of the following important structures: The Echo Dam of the Salt Lake Basin project, Utah; the Gibson Dam of the Sun River project, Montana; the Stony Gorge Dam of the Orland project, California; the Owyhee Dam of the Owyhee project, Oregon-Idaho; the Thief Valley Dam of the Baker project, Oregon; and a dam connected with the Spanish Springs division of the Newlands project, Nevada, under the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto.

The designs and specifications of said dams, the adequacy of their foundations, and other conditions surrounding the work require careful examination and study, as a matter of safety for the residents who will live below, for the protection of the water supply dependent upon the integrity of such dams, and, generally, to determine the feasibility of the enterprise. On this account it is deemed advisable that the designs, plans, specifications, and the stability of the foundations of these dams be examined and reviewed by experienced engineers whose reputations and qualifications fit them for such work.

It is hoped, therefore, that Congress will pass a resolution authorizing the Secretary to pay sufficient compensation to secure the best obtainable advice, and a resolution to give effect to this is inclosed and your assistance in the introduction and passage of the same is requested. It conforms to the one recently passed by Congress authorizing the employment of engineers to pass upon the plans and specifications for the Coolidge Dam.

Very truly yours,

HUBERT WORK.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. From the Committee on Civil Service I report back favorably with an amendment the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

I ask unanimous consent that House bill No. 7, which I have just reported, may be substituted for Senate bill 786 as the unfinished business of the Senate.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. STANFIELD. Certainly.

Mr. KING. Does the Senator report the bill from the full committee?

Mr. STANFIELD. Yes; from the full committee.

Mr. KING. And as chairman of the committee?

Mr. STANFIELD. Not as chairman of the committee, for the Senator from Michigan [Mr. COUZENS] is the chairman of the committee.

Mr. KING. But with the concurrence of the Senator from Michigan?

Mr. STANFIELD. I have submitted the report by direction of the committee.

Mr. KING. And it is to take the place of the pending bill on the same subject which has been discussed for some time by the Senator from Oregon [Mr. STANFIELD], the Senator from Utah [Mr. SMOOT], and other Senators?

Mr. STANFIELD. It is.

Mr. COPELAND. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that House bill No. 7 may be substituted on the calendar in place of Senate bill 786 as the unfinished business. Without objection, it is so ordered.

INVESTIGATION OF SENATORIAL ELECTIONS

Mr. HARRISON. Mr. President, I do not know just what the latest returns are from the Keystone State.

Mr. KING. The arch has crumbled.

Mr. HARRISON. Yes; the arch has crumbled, for some two or three hours ago it was reported that Mr. VARE, against whom the administration inveighed and in a mad effort to defeat sent into Pennsylvania its strongest champions and friends, was leading for the nomination by some 107,000 votes. It was thought all along that he would carry Philadelphia, but it seems that he not only got all the votes in Philadelphia, the home of our good friend, the present incumbent, the senior Senator from Pennsylvania [Mr. PEPPER], but it looks like he is carrying Pittsburgh, the home city of Andrew Mellon and Jim Davis and DAVE REED. Too bad that Pittsburgh, around which clusters all that typifies Coolidge and his administration, throws it down—repudiates it—spurns it.

No wonder my friends on the other side look concerned this morning, at least those who have been standing wholeheartedly behind the administration during this Congress and who have been hopeful till now that they might receive a letter of indorsement from Calvin for use in the coming campaign.

Mr. CARAWAY. Such letters will defeat them if received.

Mr. HARRISON. Not only that but now they will not want letters of indorsement.

Mr. President, already charges in regard to the Republican primary fight in Pennsylvania have been made. One of the newspapers this morning carried the story that Senator PEPPER's friends and his managers had stated that there were too many votes polled for VARE in Philadelphia, alleging indirectly—and I suppose in a short time the allegation will be made directly—charges of corruption. Then VARE's management comes back and says that in Pittsburgh the Mellonized Republican machine was well oiled and running with its usual smoothness. Why, sirs, the report some two weeks ago was to the effect that the arm of the Secretary of the Treasury had become paralyzed from overwork in his strenuous efforts in behalf of his candidate. But these charges are not now made for the first time. Reputable correspondents of reputable newspapers have been visiting Pennsylvania and have been writing stories as to the great outlay of money being poured out for each of the candidates for the Republican nomination in Pennsylvania. In the Washington Daily News of a few days ago an article written by Leo R. Sack, who is cognizant of the conditions in Pennsylvania as are few men in journalism, painted a vivid picture of the expenditures upon the part of the managers of the various candidates there. He says:

The Newberry campaign in Michigan—

And I dislike to mention the name "Newberry," because the election is so close at hand, and that name is such a nightmare to certain Senators over there who are coming up for reelection this year, especially my friend CAMERON, of Arizona; my friend Senator CUMMINS, of Iowa; my genial friend CURTIS, of Kansas, the leader on the other side; EDGE, of New Jersey, although he pulled through last year; ERNST, of Kentucky; GOODING, from out in Idaho; HALE, from Maine—he weathered the storm—

Mr. REED of Missouri. Mr. President, what is this—a funeral oration?

Mr. HARRISON. Yes; for the various Senators whose names I am now mentioning.

Mr. REED of Missouri. The Senator's voice is getting so pathetic that it almost brings tears to my eyes.

Mr. HARRISON. My tender heart goes out to my brethren over there. I must commiserate with them. Then, HARRELD, from Oklahoma; LENROOT, from Wisconsin; MCKINLEY—but, alas, he is gone; ODDIE—oh, if he could recall it now; SHORRIDGE—oh, this is the one time he refuses to give me his smiles; SMOOT—he continues to read when I mention his name—he is trying to preoccupy his mind; he wants to forget it; STANFIELD—I am sorry he is not in the Chamber; WADSWORTH—well, it might not hurt him; nothing can; WARREN; WATSON, of Indiana—he will hear more about it during this fall; WELLS—poor WELLS; and WILLIS, whose opponent may be a lady. And PEPPER—oh, what a hurricane. No more are the people of Pennsylvania to be served that brand of seasoning.

Those are the names of Senators, most of them coming up for reelection this year, who voted for Newberry; and here is the article that Leo Sack wrote about the Pennsylvania situation:

The Newberry campaign in Michigan, which shocked the country a few years ago, was pikers' play compared to the Pepper-Vare-Pinchot fight which ends with Tuesday's primary election. The sky appears to be the limit, and the PEPPER and VARE managers seem to be going the limit. Governor Pinchot is not spending so freely.

He was wise.

It was charged in the Newberry contest that expenditures in his behalf exceeded \$200,000. His managers admitted \$195,000. In Pennsylvania the GEORGE WHARTON PEPPER forces are spending \$2,000,000, it is conservatively estimated by well-posted politicians, veteran political reporters, and officeholders. Some think the expenditures may reach \$5,000,000.

Leo Sack evidently knew what he was talking about. He would not have written that article if he had not. He is too smart; he would have been fearful that some investigating committee might call him before it and ask him upon what he based that statement. But he is not alone. Many other newspaper correspondents have written articles of the same kind.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator is a very able lawyer. Can my friend PEPPER now sue the people who got his money and did not deliver, and recover? He ought to have some kind of a forum where he can get his money's worth.

Mr. HARRISON. To paraphrase a legal term, may I say, "One who comes into court must come with clean hands." But in Mellon he has a friend who knows how to sue. My friend from Michigan [Mr. COUZENS] will agree to that.

The organization of Representative BILL VARE is almost as well financed as that of PEPPER.

The famous days of Matthew Quay were conservative compared to today in Pennsylvania old-timers declare. In Allegheny County alone the primary is costing PEPPER backers half a million dollars, it is estimated.

A large fortune will be spent election day. There are 1,410 election districts in this county. An average of 10 workers will be assigned by the PEPPER forces to each voting place.

And with all that help he got few votes!

In eastern Pennsylvania Joseph R. Grundy, president of the Manufacturers' Association, who admitted before a Senate committee that he collected more than \$700,000 for Coolidge, has been gathering money for the Pepper campaign.

And he knows how to gather it. He is one of the fellows, I believe, who got out the literature or collaborated with those who did in the Harding-Cox campaign, which said, "Step on it! Give it gas! Go to it! Get the money!"

There is no legal prohibition against these tremendous expenditures. The Pennsylvania corrupt practices act fixes no limit, and there are no Federal restrictions. The Supreme Court decided in the Newberry case that Congress has no power to regulate Senators' primary campaign expenses. The Senate will not even be able to inquire into the present orgy of spending if it should wish to do so.

Now, Mr. President, I desire to quote, for the purposes of the RECORD, from the speech made by Andrew Mellon in Pittsburgh on Friday night, just before the primary election in this great city, and in this county in which part of this money was expended, and which we are now told went for VARE on yesterday. Here is one utterance. Mr. Mellon says:

We, in this Republican stronghold of Pennsylvania, can do no less than give to President Coolidge our indorsement and backing in his efforts to complete the work which he has begun.

So even that siren song did not appeal to the voters of Allegheny County.

And then our friend from Pittsburgh, in speaking at Philadelphia, used this language. I quote from the speech of Senator REED—

Mr. REED of Missouri. Of Pennsylvania—

Mr. HARRISON. Of Pennsylvania. I will accept the amendment:

Don't think for a moment that Secretaries Mellon and Davis make their appeal for Senator PEPPER at Pittsburgh without the knowledge of the President. There is no doubt about what the national administration wants in Pennsylvania this year.

Mr. CARAWAY. There is not much doubt about what it got, either.

Mr. HARRISON. Yes. REED was there speaking for him; Mellon was there speaking for him; Secretary of Labor Davis was there speaking for him. They sent all their big guns, and yet on yesterday the administration was overwhelmed and repudiated. What we thought was to be a real battle turns out to be a rout.

Mr. President, of course, there is some doubt, in view of what the Supreme Court said in the Newberry case, whether the Senate or the Congress has the right to investigate this alleged corruption in this Republican primary; but the Senate has heretofore condemned the practices that every Senator here knows were invoked in the Republican primaries in Pennsylvania yesterday. It was a very difficult task to get you to go that far, but finally you were overcome and persuaded, and by your votes you condemned the expenditure of even \$195,000 in a Republican senatorial primary fight. You said that by your votes in the Newberry case. Even though you were not willing to expel a man whose election had been shown to have been obtained by corrupt methods, you did go on record under the appealing eloquence of my friend from Ohio [Mr. WILLIS], the great pacificator, the fellow who just came in and ironed out all the differences and finally persuaded the late Senator from Missouri, Mr. Spencer, to accept his compromise substitute.

That resolution now adorns the literature of America. Let me read to you that remarkable document, conceived in the fertile brain of the senior Senator from Ohio, who used his eloquence and persuasive logic in obtaining a sufficient number of votes to have it adopted and thereby temporarily saved Newberry.

It was unquestioned that \$195,000 had been expended by the friends of Newberry or himself, so there was no getting away from it. So the Senator from Ohio [Mr. WILLIS] and the distinguished gentlemen whose names I have just read, who come up for reelection this year and who will have to explain their action to their constituents, were the ones who voted for the Willis substitute.

He said:

That Truman H. Newberry is hereby declared to be a duly elected Senator from the State of Michigan for the term of six years. * * *

That whether the amount expended in this primary was \$195,000, as was fully reported—

That is what you voted for—

or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large—

Says the Senator from Nevada [Mr. ODDIE]—

much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate—

Say the Senator from Utah [Mr. SMOOT] and the Senator from Wisconsin [Mr. LENROOT] and the Senator from Iowa [Mr. CUMMINS]—

either with or without his knowledge and consent, being contrary to sound public policy.

The expenditure of \$195,000 by Newberry, which was acknowledged and openly admitted, so say you distinguished Senators over there, was contrary to sound public policy. What are you going to say about this two or five million dollars that reputable newspaper men say was expended yesterday in behalf of one or the other candidates in the Republican primary fight? If the expenditure of \$195,000 was contrary to sound public policy in the Newberry case, do you believe that you can defend the policy of expending a million or two million or five million dollars in a primary fight in Pennsylvania?

That is not all it says. The expenditure of \$195,000, says the resolution of my friend from Ohio, who comes up for reelection in November, is—

harmful to the honor and dignity of the Senate.

And yet one of the distinguished Senators in the primary fight in Pennsylvania yesterday, Senator PEPPER, voted for that expression as a Member of this body.

Mr. CARAWAY. And, incidentally, it was the first vote he cast.

Mr. HARRISON. Yes; when he had been here about six days.

Mr. CARAWAY. Oh, no; oh, no; just two.

Mr. HARRISON. Maybe it was only two days; but he said that the expenditure of \$195,000 in a primary fight was harmful to the honor and dignity of the Senate. My friend from Ohio said the same thing. If the facts charged in the newspapers are true, that \$2,000,000 or \$5,000,000 was expended in the Pennsylvania Republican primaries, I wonder whether he would rise to defend it and offer another substitute, if the matter should come here, and say, "Notwithstanding the expenditure of \$2,000,000 or \$5,000,000 we will seat him, but we will express our disapproval and condemnation of it by saying that the expenditure of such an amount is harmful to the honor and dignity of the United States Senate."

But he did not stop there. You said in this resolution—and I am sorry my friend from Oklahoma [Mr. HARRELD] will not smile at what I am saying—that notwithstanding the expenditure of \$195,000 in the Newberry primary contest, it was—dangerous to the perpetuity of a free government.

Yet, notwithstanding the fact that one distinguished Republican Senator at least who had voted those sentiments and that expression for the seating of Newberry makes a campaign in his own State for renomination, and has it charged against him that his campaign managers are spending a \$2,000,000 fund for his renomination.

Mr. CARAWAY. I think he has a defense. He got nothing for his money.

Mr. HARRISON. No; but he was able to do that which no other person had ever been able to do—elicit the services of Andrew Mellon to make a political speech, as poor as it was.

Mr. CARAWAY. Oh, no; that was not a political speech.

Mr. HARRISON. I read:

Such excessive expenditures are hereby severely condemned and disapproved.

Ah, Mr. President, it is a great pity that the American people can not be guaranteed in their rights of free and untrammelled and uncorrupted primaries, as well as elections. It is a pity that a group of rich men should get behind this Senator or that Congressman or that public officer and that they should spend money freely and lavishly, without thought of high morals or the expression of the sentiment of the Senate of the United States.

There is not a Senator on the other side now who, if this amount of money was expended in the primary, will rise to defend it.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HARRISON. I doubt whether these Senators whose names I have called, who come up for reelection in this coming campaign, if they had to vote again on the Willis resolution seating Newberry, would cast their votes that way, but they would vote to expel him.

Now, I yield to the Senator. I am glad to see him back. Considering the election returns, I am surprised he did not get back earlier this morning.

Mr. REED of Pennsylvania. Mr. President, I have been delayed by the Democratic tariff investigating committee, which is trying to find some issue for the next election.

Mr. HARRISON. The Senator is in better work in doing that than he was performing up in the primary fight in Pennsylvania.

Mr. REED of Pennsylvania. I want to say a word about the Senator's strictures on the expenditures in Pennsylvania. The Senator forgets, I think, that the population of Pennsylvania is over 9,000,000 people, and all of our adults who are citizens are permitted to vote. In the Senator's home State, where three-fourths of the adult citizens are disfranchised, it doubtless is not necessary to spend a dollar.

Mr. HARRISON. I would not be surprised if some of this money that was expended in Pennsylvania was spent in getting some of those voters from Mississippi up there to help out on yesterday. [Laughter.]

I am through, Mr. President.

Mr. REED of Missouri. Mr. President, I ask unanimous consent for the present consideration of the following resolution, which I ask to have read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read the resolution (S. Res. 195) submitted by Mr. REED of Missouri, April 8, 1926, as follows:

Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a

progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association, to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a member of the United States Senate at the general election to be held in November, 1926. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations that have made or shall hereafter make such promises, subscriptions, advancements, or payments and the amount by them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpoena or otherwise the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED of Pennsylvania. I object.

Mr. REED of Missouri. Mr. President, I am sorry the Senator from Pennsylvania has objected to the consideration of this resolution. He is too good a man to take the position that the Senate should not endeavor to protect itself against men who may employ vast sums of money to corrupt the electorate of any State or of all States.

The castigation administered by the Senator from Mississippi [Mr. HARRISON], partially humorous, but nevertheless barbed with facts, ought to have elicited, and I hoped would elicit, from the representatives of Pennsylvania a categorical denial of the facts or alleged facts lodged in the newspaper articles which were read.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. REED of Pennsylvania. In my own behalf I ought to say that I have been in constant attendance all morning in a meeting of the committee of which the Senator from Arkansas [Mr. ROBINSON] is the chairman. I was told that the business under consideration was the migratory bird bill, but it seems to be some other topic. I did not hear the statements of the Senator from Mississippi, and therefore am not in a position to affirm or deny them.

Mr. REED of Missouri. They were to the effect that something over \$2,000,000 had been expended by one of the candidates and another huge sum expended by another of the candidates. As I construe the article, it in substance charges wholesale corruption. I had hoped that for the reputation of Pennsylvania and the good name of the country my friend would have been able to say to us that the allegations were untrue.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield again—

Mr. REED of Missouri. I yield.

Mr. REED of Pennsylvania. I will say that I do not for a moment believe that there was wholesale corruption. I will say, further, that I do not for a moment believe that any single candidate or group of candidates spent \$2,000,000. I think that is the usual exaggeration that follows an extremely excited campaign. I will say this, further, if the Senator will permit me to trespass on his time—

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. That the outcome in Pennsylvania in the Senatorship campaign—which I deeply regret, because I think the State has failed to recognize the faithful service which Senator PEPPER has rendered—was due to two causes: First, the interjection of Governor Pinchot and his candidacy, which divided the so-called "dry" sentiment; next, a wave of resentment against the prohibition law, which blinded many people to the real questions at issue. It was the only opportunity they thought they would have for an expres-

sion of their sentiment on this wet and dry question. I think it is a crowning shame that the election of a United States Senator should have turned on an issue on which the successful Senator will probably not have a chance to vote in his six years in office.

I want to say for myself, now that I can say it without influencing Senator PEPPER's chances, that I believe that question ought to be taken out of politics, at least out of the campaigns for choice of representatives in the Senate, by allowing the people of Pennsylvania to express their sentiments in a referendum on that subject, so that we may know what they think, without having to try to read it through the dim glass of their choice of a particular candidate in a primary.

Mr. BORAH. Mr. President, may I ask the Senator from Pennsylvania if the Senator's people express their views through a referendum, must they not have a representative here and a Representative in the House to carry out the sentiment expressed in the referendum?

Mr. REED of Pennsylvania. I take it that any conscientious Senator or Representative will regard himself as bound by the solemnly expressed judgment of the people of his State on a question they have had a chance to consider as long as they have this wet and dry proposition.

Mr. BORAH. Does the Senator contend that if the people of Pennsylvania should vote in a majority against the Volstead Act a Senator here having a conviction against their action should surrender his conviction to the popular vote?

Mr. REED of Pennsylvania. Mr. President, on matters that come up afresh, on which the popular judgment is merely a first impression, I do not regard myself as bound, because I think the first judgment of the people is about as often wrong as it is right. But the nearest we can come to wisdom is the settled conviction of the public on a subject on which they have had a chance to think, and to watch the workings of an experiment, and I believe that they have had that chance to think on the wet and dry question, and I believe their judgment is wiser than mine is, and I regard myself as bound by it.

Mr. BORAH. The fundamental principle upon which this Government was organized was that of representative government, not referendums, or a pure democracy, but that the people select a representative, and that representative is to represent their views, if they are in harmony with his. If he has convictions against them, their remedy is to retire him. That, in my opinion, is absolutely essential to a sound form of representative government. I do not believe that a Senator or a Representative should surrender his convictions to a popular vote. The remedy of the people is to retire the official.

Mr. REED of Pennsylvania. The Senator knows from experience here that I have never hesitated to oppose my judgment to the views of a majority of Pennsylvanians, until I believed they had had a chance to reach a mature judgment. There have been many cases in which I have shown that. But I do believe, as I have said before, that the nearest we can come to wisdom in a democracy, or in a republic, or in a representative government, is the composite judgment of all the people on a subject they have been considering for years.

This primary, which has given Mr. VARE apparently a victory, establishes him as the Republican nominee with a minority of votes. Many people voted against him who agree with him on the prohibition question. Many people voted for him who perhaps disagree with him on the wet and dry question, because of his organization in Philadelphia. After all, it is only the expression of a minority of one of the two great parties. That is not a sufficient expression to guide me here in Washington. But I say that this question has become so acute that we are entitled to know what our people think of it, and when I do know, I shall consider myself, as their representative, bound to follow their judgment.

Mr. BORAH. Of course, it is acute, and we are bound to dispose of it; but I trust we are not going to have injected into our system of government the principle that a Senator here merely records, as a clerk or as an amanuensis, what he thinks the popular judgment has determined in his State.

Mr. REED of Missouri. Mr. President, I am glad to have the assurance of the Senator from Pennsylvania that he does not think there was corruption. I do not therefore at this time press that point, but the charge has been distinctly made by the press that the huge sums of money to which I have referred were raised and expended. I would like to ask the Senator if he feels at liberty to discuss the question whether the statements as to the amounts are substantially correct?

Mr. REED of Pennsylvania. I do not believe it for a moment. The Senator from Utah [Mr. SMOOT] tells me that the statement of the Senator from Mississippi [Mr. HARRISON] was that \$5,000,000 had been expended.

Mr. HARRISON. The statement I read was from an article written by Leo R. Sack, and I think it is reinforced by other articles, stating the amount expended to have been from \$2,000,000 to \$5,000,000.

Mr. REED of Pennsylvania. Mr. Leo R. Sack is a very capable, admirable, and diligent newspaper correspondent who is stationed here in Washington, and while he may have repeated some gossip that he heard, he is not in a position to know what was spent. I have been in Pennsylvania for the last four or five days, and while I can not state the exact amount, of course, I have the impression that those figures are very greatly overstated.

Mr. REED of Missouri. Is not the Senator willing to let the Senate find out the facts?

Mr. REED of Pennsylvania. I think the Senate spends too much time chasing down newspaper rumors. We did that all during the last session of Congress and it got us nowhere. The Senator will remember that we almost made ourselves unable to transact the regular business of the Senate because we were busily engaged running down this rumor or that rumor and appointing special investigating committees. The country is sick of it.

Mr. REED of Missouri. This is more than a rumor. The committee, if created, will, of course, sit during the recess of Congress. But it is said investigations get nowhere. Sir, I remember two investigations that brought results of the most important character. The investigation by Congress disclosed the Newberry corruption. The investigation by what is commonly called the Walsh committee uncovered an unspeakable condition in the Cabinet. It furnished the facts to sustain litigation which has restored a large part of the property of which the Government had been defrauded. It brought the former Attorney General to the point where he has declined to testify before a grand jury on the ground that if his testimony were truthfully given he would thereby incriminate himself.

In view of the results thus obtained, and obtained in many other cases, it is idle to claim that investigations are a waste of time.

I know that the Senator from Pennsylvania does not believe in corruption in politics. I know that he does not believe in buying votes. I know that he does not want the fountain of law poisoned. The primary election is after all the fountain source of the law, for at the primary the men are selected who afterwards make the laws for a great people. I ask the Senator from Pennsylvania, why not withdraw the objection, permit the resolution to be considered by the Senate, and let us find out what the facts are; let us ascertain whether or not the primary was tainted with corruption?

Mr. REED of Pennsylvania. Mr. President, there is no better constitutional lawyer who speaks in the Halls of Congress than is the Senator from Missouri, and he will grant, I am sure, that the Constitution binds us as firmly as any other branch of the Government. The Supreme Court of the United States in the Newberry case distinctly said that we have no business to legislate on the subject of primary elections.

Mr. REED of Missouri. I differ from the Senator as to the applicability of that case to the resolution I am proposing.

Mr. REED of Pennsylvania. If we have no business to legislate respecting primary elections, we certainly have no business to investigate them.

Mr. REED of Missouri. I do not agree with the Senator from Pennsylvania. The Supreme Court declared that a penal statute, when sought to be applied to a primary election in Michigan, was beyond the authority of Congress. But the Supreme Court did not say and the Supreme Court never will say that the Senate has not the right to protect the purity of the election of its Members; that it does not have the right to say who shall sit and who shall not sit in the United States Senate; that the Senate is not the sole judge of the qualifications of its Members. If that is true, then the Senate has the right to know the methods by which a man asking to be here seated was nominated. Although the Congress may not possess authority to enact a statute under which a court can send a culprit to the penitentiary, it does nevertheless have the right to know whether the nomination, which is the initial step to the election, was corruptly secured. For even though we can not enact a statute under which the individual may be sent to jail, we do undoubtedly have the right to inquire into his right to a seat in the councils of the Nation. If his election is tainted with the leprosy of corruption, if he is shown to have no regard for the ordinances of God or the laws of his own State, we have to consider the fact when that gentleman presents his credentials to the Senate. Accordingly, we do have a right to investigate and find out what the facts are.

Mr. President, the Senator from Pennsylvania, I think, has left the Chamber—

Mr. REED of Pennsylvania. No, Mr. President; I am still here.

Mr. REED of Missouri. I thought the Senator had left; I beg his pardon. I now move that the Senate proceed to the consideration of the resolution.

Mr. REED of Pennsylvania. Mr. President, a point of order. The unfinished business is the civil service retirement bill.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The point of order is well taken.

Mr. REED of Missouri. We can displace the unfinished business by a motion at any time.

The PRESIDING OFFICER. The Chair thought we were proceeding by unanimous consent.

Mr. REED of Missouri. My resolution has been on the table for two or three weeks. The necessary day's time has elapsed since its introduction. At any time the unfinished business can be displaced by a motion to take up a resolution or bill. I ask the Senator from Oregon [Mr. STANFIELD] if he does not want it displaced by my motion to make the request to temporarily lay aside his bill. I am going to insist on the motion.

Mr. REED of Pennsylvania. That request was made by a Senator on the other side of the aisle and I objected to it, and I shall continue to object to any such request.

Mr. REED of Missouri. I am not now making a request for unanimous consent. I am now moving that the Senate do now proceed to the consideration of Senate Resolution 195.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. REED of Pennsylvania. If the motion of the Senator from Missouri is adopted, will that not displace the civil service retirement bill from its status as the unfinished business of the Senate?

The PRESIDING OFFICER. The Chair so holds.

Mr. REED of Missouri. The Senator from Oregon might avoid that by asking to temporarily lay aside the unfinished business. If he does not see fit to do so, then I shall insist on my motion at this time. If the Senator wants to take that chance, it is for him to decide.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Missouri to proceed to the consideration of Senate Resolution 195.

Mr. HARRISON and Mr. REED of Missouri called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote, I withhold my vote.

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the necessary absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from South Carolina [Mr. SMITH], and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER], and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the Senator from Massachusetts [Mr. GILLET], who is absent. I transfer that pair to the Senator from Montana [Mr. WALSH], who is also absent, and let my vote stand.

Mr. GERRY. I desire to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness. If present, he would vote "yea."

Mr. HARRIS. I wish to announce that my colleague the junior Senator from Georgia [Mr. GEORGE] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 45, nays 34, as follows:

YEAS—45

| | | | |
|-----------|----------|----------|----------------|
| Ashurst | Caraway | Gerry | Johnson |
| Bayard | Copeland | Glass | Jones, N. Mex. |
| Borah | Couzens | Harris | Kendrick |
| Bratton | Dill | Harrison | King |
| Proussard | Edwards | Healin | La Follette |
| Bruce | Frazier | Howell | Lenroot |

McKellar
McNary
Mayfield
Neely
Norris
Nye

Overman
Pittman
Ransdell
Reed, Mo.
Robinson, Ark.
Sheppard

Shipstead
Simmons
Steck
Stephens
Swanson
Trammell

Tyson
Underwood
Wheeler

NAYS—34

Bingham
Butler
Cameron
Capper
Cummins
Curtis
Dale
Deneen
Ernst

Fernald
Fess
Goff
Gooding
Hale
Harrell
Jones, Wash.
Keyes
McMaster

Moses
Norbeck
Oddie
Pine
Reed, Pa.
Robinson, Ind.
Sackett
Schall
Smoot

Stanfield
Wadsworth
Warren
Watson
Weller
Williams
Willis

NOT VOTING—17

Blease
du Pont
Edge
Ferris
Fletcher

George
Gillett
Greene
McKinley
McLean

Means
Metcalf
Pepper
Phipps
Shortridge

Smith
Walsh

So the motion was agreed to, and the Senate proceeded to consider Senate Resolution 195, submitted by Mr. REED of Missouri, April 8, 1926, as follows:

Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate at the general election to be held in November, 1926. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations that have made or shall hereafter make such promises, subscriptions, advancements, or payments and the amount by them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require, by subpoena or otherwise, the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who having been summoned as a witness by authority of said committee willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

Mr. REED of Missouri. Mr. President, I ask for a vote on the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. HARRISON, Mr. REED of Missouri, and Mr. ROBINSON of Arkansas called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote if present, I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. GILLET]. He is absent, and I transfer the pair to the Senator from Montana [Mr. WALSH], who is also absent, and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. GERRY. I desire to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness. If present, he would vote "yea."

Mr. HARRIS. I wish to announce that my colleague the junior Senator from Georgia [Mr. GEORGE] is necessarily absent. If present, he would vote "yea."

Mr. WHEELER. I wish to announce that my colleague the senior Senator from Montana [Mr. WALSH] is necessarily absent from the Chamber on official business. If he were present, he would vote "yea" on the adoption of the resolution.

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER], who is absent on account of illness, if present, would vote "yea."

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

| | | | |
|-----------|----------------|----------------|-----------|
| Ashurst | Edwards | La Follette | Sheppard |
| Bayard | Frazier | Lenroot | Shipstead |
| Borah | Gerry | McKellar | Simmons |
| Bratton | Glass | McMaster | Stanfield |
| Broussard | Gooding | McNary | Steck |
| Bruce | Harrell | Mayfield | Stephens |
| Butler | Harris | Neely | Swanson |
| Cameron | Harrison | Norris | Trammell |
| Caraway | Heflin | Nye | Tyson |
| Copeland | Howell | Overman | Underwood |
| Couzens | Johnson | Pine | Weller |
| Cummins | Jones, N. Mex. | Pittman | Wheeler |
| Curtis | Jones, Wash. | Ransdell | Williams |
| Dale | Kendrick | Reed, Mo. | Willis |
| Dill | King | Robinson, Ark. | |

NAYS—13

| | | | |
|---------|-------|-----------|--------|
| Bingham | Goff | Sackett | Warren |
| Ernst | Hale | Schall | |
| Fernald | Moses | Smoot | |
| Fess | Oddie | Wadsworth | |

NOT VOTING—24

| | | | |
|---------|----------|---------|----------------|
| Blaise | Fletcher | McLean | Reed, Pa. |
| Capper | George | Means | Robinson, Ind. |
| Deneen | Gillett | Metcalf | Shortridge |
| du Pont | Greene | Norbeck | Smith |
| Edge | Keyes | Pepper | Walsh |
| Ferris | McKinley | Phipps | Watson |

So the resolution was agreed to.

Subsequently, under the provisions of the resolution (S. Res. 195) authorizing the President of the Senate to appoint a special select committee to make investigation into the means used to influence the nomination of any person as a candidate for membership in the United States Senate, the Vice President appointed Mr. REED of Missouri, Mr. DENEEN, Mr. REED of Pennsylvania, Mr. LA FOLLETTE, and Mr. BAYARD members of the special committee.

Mr. REED of Missouri. Mr. President, I arise merely to call attention to the fact that between the time we voted to take up the resolution and the time we voted on its adoption, as nearly as I can estimate, there was a lapse of only about seven minutes and three-quarters, including the time consumed by the roll call.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. In just a moment I will yield. I include in that seven minutes and three-quarters the time consumed by the roll call. In that interval of time 21 Senators changed their minds. It is the most—

Mr. CURTIS. Mr. President, that is not a fair statement. There is a great deal of difference between voting to displace a measure by taking up another measure and voting for its passage. The Senator ought to be perfectly fair.

Mr. CARAWAY. There is the difference between voting "yea" and voting "nay."

Mr. REED of Missouri. I am going to be fair; I am not going to let the Senator from Kansas get the least bit out of patience with me. In that period of time 21 Senators changed their minds. If two or three minutes more had been allowed to elapse, I have no doubt the other 13 Republican Senators would have also seen the light and voted for the resolution.

I know perfectly well that there is a difference between moving to take up a measure and moving the passage of the measure. The difference is that when you are merely moving to take up a measure it can be voted against and the excuse offered that the reason is not opposition to the proposition itself, but the desire to proceed with some other preferred business. That is the difference, and that is the only difference.

Every man sitting in this Chamber knows two things: That the debate, if the motion to take up the resolution had been debated, would not have occupied more than a few minutes of time, or, at the outside, an hour or two of time. As a matter of fact, it was not debated at all. He also knows that the bill that is to be considered—the retirement bill, I believe it is called—can be passed without any question at this session of Congress. So I must give to the remarkable change in the vote the most honorable explanation I can conceive, which is that

there was really a sincere, albeit a lightninglike, change of heart during the seven and three-quarters minutes.

Nobody will pretend seriously in this body, or in the country to which we are soon to go, that there is any comparison in importance between this retirement bill and the purification and defense of the politics and elections of the land.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED of Missouri. I do.

Mr. CURTIS. Nobody will pretend that; but no one will contend that there was any great need of calling up this matter this afternoon, when it could have been called up to-morrow just as well. The Senator let it stay on the table here for days, and it could have been laid aside until the pending measure, which is the unfinished business, is disposed of just as well as not.

Mr. REED of Missouri. And if I had brought it up to-morrow or the next day I would have been met with the same argument, namely, "there is other business in the hopper."

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED of Missouri. I do.

Mr. BINGHAM. The Senator from Kansas has said that the Senator's resolution was presented at least four or five days ago, and that the Senator left it on the table for four or five days. As a matter of fact, it was presented on April 8, and the Senator has made no effort to get it up in a month and ten days.

Mr. REED of Missouri. So much the worse—

Mr. BINGHAM. For the Senator from Missouri.

Mr. REED of Missouri. That it had to lie on the table all that time. When I offered the resolution, as I recollect, I asked unanimous consent for its then consideration, and it was objected to on the other side of the Chamber. If it lay there all that length of time, and needed action, why did not the "tall sycamore" from Connecticut arise and call it to the attention of the Senate?

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Certainly.

Mr. BINGHAM. Does the Senator think it was good legislative practice to take advantage of a situation in the morning newspaper, when certain rumors were current, to press for the immediate passage of a resolution which had not been debated and which he has just said was before the Senate less than seven minutes? Does the Senator think that is good legislative practice?

Mr. REED of Missouri. Oh, I did not make any such statement. Let me in turn ask the Senator if he thinks it is good legislative practice to try to throttle an investigation to ascertain whether or not charges publicly made by the press of this country are true, when the acts charged concern the very life of the country itself? Does he consider it good legislative practice not to promptly take up a question of that kind and investigate it?

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED of Missouri. I do.

Mr. SIMMONS. May I ask the Senator if during the period of time elapsing between the day he introduced this resolution, April 8, and the present time the steering committee, which has charge of outlining legislation in this body, has taken any action with reference to this important resolution?

Mr. REED of Missouri. No; the steering committee has been "otherwise engaged." It has taken no action. But what I said—and I am calling this to the attention of the Senator from Connecticut—was not that this resolution had only seven minutes consideration. On the contrary, an able address was made by the Senator from Mississippi [Mr. HARRISON] touching these alleged frauds and this charged corruption. Following that I called up this resolution and addressed the Senate at some little length. I begged and implored unanimous consent for its present consideration, and if it had been given the resolution could have been passed in a few moments; and when it was not given and when no one rose to speak we called for a vote.

The "seven and three-quarters minutes" is the time that elapsed after we had voted to take up the resolution. Thereupon the opportunity was given to speak on the resolution, but the clarion voice of the Roderick Dhu of the Atlantic coast was not heard summoning the hosts to battle. He was as mum as

an oyster, and everybody else was; and we voted, and 21 Senators changed their minds in the seven and three-quarters minutes that elapsed between the two votes. It was a remarkable exhibition of intellectual somersaulting.

Mr. BINGHAM and Mr. HARRELD addressed the Chair.

The VICE PRESIDENT. Does the Senator yield, and if so to whom?

Mr. REED of Missouri. I yield first to the Senator from Connecticut.

Mr. BINGHAM. Does the Senator deny that immediately after the vote was announced and the resolution was taken up he secured the floor and moved its immediate adoption and called for the yeas and nays without giving anyone a chance to debate it or even to read it?

Mr. REED of Missouri. Why, certainly I called for a vote, and then and there every Member of this body had the right to rise, address the Chair, and talk until exhausted nature reduced him to silence.

Mr. BINGHAM. The Senator will realize that certain Senators on this floor, not being so gifted as he who speaks so frequently from Missouri, are unable to talk upon a subject which they have not had the opportunity to study. They require a little time for study and reflection.

Mr. REED of Missouri. After having followed the Senator's course in this body I had not concluded that he was so afflicted.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED of Missouri. I yield for a question.

Mr. HARRELD. I desire to ask a question for information. I voted for the resolution. I voted against its immediate consideration because I did not know what was in it, and I do not know yet.

Mr. REED of Missouri. Why, then, did the Senator vote for it?

Mr. HARRELD. Because the Senator from Missouri told me what it contained, and I believed him, but I desire a little further information. What is the difference between the provisions of this resolution and the one that was introduced as an amendment to the Post Office appropriation bill two years ago by the Senator from Idaho [Mr. BORAH] and was passed and was in effect during the last campaign? Is there any particular difference between them?

Mr. REED of Missouri. I do not know what the difference is. I have not compared the two documents. I drew this one and hope it is drawn correctly.

Mr. HARRELD. I want to say that I voted for that one, and that this is no new kind of legislation.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. Yes.

Mr. SMOOT. I know that the Senator wants to be absolutely correct about every statement he makes; but in looking at the Record I find that when the Senator introduced the resolution there was no request for its immediate consideration, and it went directly to the table and was ordered to lie on the table.

Mr. REED of Missouri. Mr. President, I am very sure that I asked for its consideration. Whether I did it at the moment or allowed it to lie over, I do not recall.

Mr. SMOOT. I have looked through the Record, and I know that the Senator wants to be absolutely correct.

Mr. REED of Missouri. But, anyway, what is the use of quarreling about that? It is utterly trifling.

Mr. SMOOT. I am not quarreling about it.

Mr. REED of Missouri. There were 34 of you over there who voted against taking up the resolution at all.

Mr. SMOOT. Mr. President, I thought, of course, the Senator, if he were reminded of it, would simply say, "Well, then, I was mistaken." I know that if I had made a misstatement I would thank the Senator for calling my attention to it.

Mr. REED of Missouri. Certainly. I was speaking from recollection, and my recollection was that I asked for the consideration of the resolution at that time. If I did not, I feel confident that I asked for it later; but whether I did or not is as utterly immaterial as whether a mosquito was born last month. The fact is that 34 of you voted against taking up the resolution; and then 21 of you—and I am going to drop into the vernacular—"welched" inside of seven and three-quarter minutes.

Mr. STANFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. The fact is that if 34 of you voted against taking the resolution up for consideration we know that unanimous consent would have been refused. Besides, the Senator from Pennsylvania [Mr. REED] did this morning refuse

unanimous consent. This he did, although I implored him, almost tearfully, to please allow us to have a vote.

Mr. STANFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. STANFIELD. I want to disclaim any motive of "welching." For several days I have been trying to bring the civil service retirement bill to a vote. It was the unfinished business of the Senate. We had hoped that we could proceed with it this morning; and I know, as one Senator who voted for the Senator's resolution, that I voted against bringing up his resolution, because I did not want to displace the civil service retirement bill, for the immediate passage of which there is an imperative need in order to alleviate the suffering of many thousands of people.

The Senator has interfered with that relief by purposely making his motion and displacing the unfinished business, the civil service retirement bill.

Mr. REED of Missouri. Mr. President, what happened was this: I said to the distinguished Senator that if he would ask to have his bill temporarily laid aside for only a few minutes we could pass this resolution, but that otherwise a motion would displace his bill, and that he could take his chances and proceed according to his own lights. He took his chances, and voted against taking up the resolution. He knows very well that if he had asked to have his measure temporarily laid aside it would not have been displaced. Now it is displaced, and displaced because he was so anxious to prevent a vote on this resolution that he was willing to jeopardize the legislative position of his own bill. That is the cold truth about it.

Mr. STANFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. REED of Missouri. Yes.

Mr. STANFIELD. I was advised by the parliamentarian of the Senate that if the Senator insisted on bringing up his resolution for a vote, and a vote was taken, regardless of whether I made the motion to lay aside the unfinished business temporarily or not, it would be displaced and would cease to be the unfinished business of the Senate. It may be that the Senator from Missouri is better informed on the parliamentary situation than the Senator from Oregon.

Mr. REED of Missouri. I advised the Senator on the floor this morning, and I told him that he could in that way keep his legislative position.

Mr. STANFIELD. I have made a parliamentary inquiry, and I should like to know which is the proper procedure.

Mr. REED of Missouri. When I told the Senator, why did he go further for advice?

Mr. STANFIELD. I sought better advice.

Mr. REED of Missouri. Mr. President, I am delighted at this conversion. That is all I rose to say, but Senators have the habit of interrupting me all the time. I am delighted because I intend very shortly to offer a resolution to provide for the expenses of this investigation; and, since there has been such a general unanimity of movement from the back seats to the mourners' bench, I take it that when I offer that resolution no Senator will object to its consideration or to its passage.

Mr. SMOOT. It has to go to the committee.

Mr. REED of Missouri. I know it has to go to a committee, and I am hoping that the moral force that has come from this "revival spirit," this contagion of virtue that has suddenly spread even to the other side of the Chamber, will be so great that the committee will report the resolution out favorably and promptly.

I desire to occupy the floor only a moment more. The question under consideration has been to some degree discussed in a semiserious, semijesting spirit. To my mind it is the gravest problem confronting the people of the United States. Our Government rests upon the will of the people, and if that will can be habitually cheated, suborned, or corrupted, then the Republic falls, and if it falls the liberties of the world will be buried in its ruins.

Sir, we amended the Constitution of the United States, and provided for the direct election of Senators. One of the great arguments advanced in support of that amendment was that men of great wealth were gaining seats in the Senate by corrupt methods practiced upon the general assemblies of the States. The infamies attending the attempted election of Adkins in Delaware, the scandals that spread a black pall over many legislative halls aroused the people. The awakened conscience of the Nation demanded that the election of United States Senators should be transferred from legislative assemblies to the great body of the people.

It was thus hoped to render corruption impossible, for it was believed the masses were incorruptible.

Are all these expectations to be defeated? Is the bud of hope to wither? Are we to gather only the bitter fruit of despair? Is the leprosy of corruption to spread from legislative halls to the body of the people?

Let no one say that I here assert that the majority of the people can be bribed or otherwise corrupted. I do not so assert; but if even a small percentage be corrupted, that percentage may determine a great national election and control the national policies.

When it was learned that Newberry had expended \$190,000, in the teeth of a statute of his own State, there was a general expression of anger and even horror. Whereupon the Senator from Ohio, although generally anxious to bare his back to the party lash—to blindly follow his political bellwether—experienced such twinges of conscience that he felt something must be done to ease the pain. Accordingly he offered a resolution in substance and effect that "Newberry having obtained his election by processes destructive of the Republic, therefore be it resolved that he be given a seat in the Senate for six years."

The dulcet voice of the Senator from Pennsylvania [Mr. PEPPER] was heard upon the hustings defending Newberry and criticizing those who had attacked him. Doubtless some of the people of Pennsylvania when they went to the polls recalled those speeches and voted their protest.

A few weeks ago a primary election was held in Illinois. It has been charged by many people that one of the candidates expended from a million to a million and a half dollars in that primary. Even then he went down to defeat.

If these charges are true, then the country ought to know the facts. If these charges are true, then a condition of corruptness and of rottenness exists which ought to arouse to extreme vigilance every man who loves his country and adores its flag.

The press to-day states, and the statement is not categorically denied, that there was on yesterday and the few preceding days expended in the Pennsylvania primary from \$2,000,000 to \$5,000,000. If the charge be true, every man concerned in it ought to be speedily tried and sent to the penitentiary.

We are daily dooming to the penitentiary many men for selling a bottle of beer to a man who wants to buy that bottle of beer. We are filling our jails with citizens for acts that involve no great moral turpitude, acts that are only mala prohibita; but here is a vicious crime which, if it be permitted to fasten upon the body politic, will, like a cancer, eat into the heart of the Republic and destroy it utterly.

If, sir, you were to muster before me the murderer with blood-wet hands, the thief in possession of his loot, the highwayman armed with bludgeon and pistol, the fire bug with his torch, the burglar with dark lantern and jimmy, and if you were to place with that assembly of rogues the wretch who had corrupted an election, I would unhesitatingly declare the corruptionist the blackest scoundrel of them all. I would so say because the man who attacks the foundations of his Government and thereby assails the very structure of society is the greater criminal, the more intolerable villain, for his criminality poisons the soul of the Nation.

Mr. President, the charges to which I have referred seem to be lightly made. The Senator from Mississippi read from one newspaper. I now present an editorial appearing in the New York World:

NEWBERRY WAS A PIKER

Pennsylvania went through something yesterday which is called a Republican primary but which was actually a bitter fight for the control of a Republican State machine fought principally with dollars.

"It is generally conceded by everyone," says the United Press, "that more money has been spent in this campaign than in any other primary in this country."

"Reported expenditures are so great," says a World dispatch from Pittsburgh, "that even veteran politicians are staggered."

The Evening World's correspondent in the field suggests \$2,000,000 as "a conservative estimate among men who have observed such a flow of gold as Pennsylvania has never known."

The correspondent of the Times estimates the whole cost of the primary at \$5,000,000, and adds that the open and extravagant use of money "has given the Pennsylvania workers and people generally a different idea of politics."

"A different idea of politics!" Ah, what an idea it must be. The ignorant man, the unlettered man, the foreigner new to our shores, attends a great American assize. He beholds the people summoned to the ballot box to express their untrammelled will. He sees issuing forth the bribe giver, the corruptionist, buying the souls of the citizens, bribing them to yield a privilege that was purchased by the lives of countless millions of men. For, sir, the struggle for human liberty was not begun in the War of the American Revolution. That liberty might be

gained men have contended and struggled in every age of time. Armies have marched and countermarched across the face of the world until its plains were white with skeletons and all its soil was sodden with the blood of men. That we might all be free, martyrs centuries ago endured the torture of the rack, the agony of the thumbscrew, the ignominy of the pillory; they have stood at the stake and amidst the circling flames proclaimed the sacred right to liberty, equality, and justice.

To gain the boon of liberty for us men have lain behind prison walls until brown locks turned to gray and rotted on their temples.

To gain the boon of liberty for us, to establish here a free government, our fathers rallied to the standard of revolution. Through the miasma of swamps, through forest depths, beneath the burning sun, amidst the winter's snows, in starvation and in despair, they fought on and on and on, until at last they established the right of self-government. And that right is all concentrated in the simple right to cast a freeman's ballot.

He who will lay unholy hands upon that blood-baptized privilege is worse than an anarchist; he is the vilest of traitors; he does not merely betray, he destroys his country for he poisons its soul.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 5683. An act authorizing the appropriation of \$2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort, on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; to the Committee on the Library.

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition, to be held in the city of Camden, N. J.; to the Committee on Education and Labor.

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1923; to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hultigan, one of its clerks, requested that the Senate return to the House the bill (H. R. 9568) amending section 220, Criminal Code of the United States.

The message also announced that the House had passed without amendment the bill (S. 3115) to amend section 220 of the Criminal Code.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. I ask unanimous consent that the Senate proceed to the consideration of House bill 7, the civil service employees' retirement bill.

Mr. JONES of Washington. There are some Senators absent who asked me if such a request was made to call for a quorum in order that they might be present. I therefore make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|-----------|----------------|----------------|------------|
| Ashurst | Ferris | McKellar | Sheppard |
| Bayard | Fess | McMaster | Shipstead |
| Bingham | Frazier | McNary | Shortridge |
| Borah | Gerry | Mayfield | Simmons |
| Bratton | Glass | Means | Smoot |
| Broussard | Goff | Moses | Stanfield |
| Bruce | Gooding | Neely | Steck |
| Butler | Hale | Norbeck | Stephens |
| Cameron | Harrell | Norris | Swanson |
| Capper | Harris | Nye | Trammell |
| Caraway | Harrison | Oddie | Tyson |
| Copeland | Heflin | Overman | Underwood |
| Couzens | Howell | Pine | Wadsworth |
| Cummins | Johnson | Pittman | Walsh |
| Curtis | Jones, N. Mex. | Ransdell | Warren |
| Dale | Jones, Wash. | Reed, Mo. | Watson |
| Densen | Kendrick | Reed, Pa. | Wheeler |
| Dill | Keyes | Robinson, Ark. | Willis |
| Edwards | King | Robinson, Ind. | |
| Ernst | La Follette | Sackett | |
| Fernald | Lenroot | Schall | |

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

Mr. STANFIELD. Mr. President, I renew my request for unanimous consent that the Senate proceed to the consideration of House bill 7, the civil service employees' retirement bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. SMOOT. Mr. President, I ask that the bill be read because it is the House bill, I understand, that has been substituted for the Senate bill.

Mr. ROBINSON of Arkansas. It has not been substituted, has it?

Mr. SMOOT. Yes; it has. The House bill is now the unfinished business.

Mr. ROBINSON of Arkansas. Mr. President, let us understand the parliamentary status. The committee has reported the House bill. Does the Senator propose to substitute the House bill for the Senate bill?

The VICE PRESIDENT. The House bill has been substituted for the Senate bill.

Mr. STANFIELD. That has already been done. In making the committee report I moved that the House bill be substituted for the Senate bill for consideration by the Senate. Later the motion of the Senator from Missouri [Mr. REED] displaced the unfinished business, and now I have asked and obtained unanimous consent that the Senate proceed to the consideration of House bill 7, which had been substituted previously for Senate bill 786.

Mr. SMOOT. It is the unfinished business now?

Mr. STANFIELD. Yes.

Mr. SMOOT. It is now before the Senate?

Mr. STANFIELD. Yes.

Mr. SMOOT. I ask that the House bill be read at this time. The reason why I do that—

Mr. McKELLAR. Mr. President, the Senate committee has recommended to strike out everything after the enacting clause of the House bill.

Mr. SMOOT. I am perfectly aware of that. I want to perfect the House bill. When the Senator offers his amendment—of course, if anybody wants to offer an amendment to his amendment to perfect it, he can do so—but I want to perfect the House text, I will say to the Senator.

Mr. COUZENS. Mr. President, the House bill is not before us. The language of the House bill was substituted for the language of the Senate bill that was before us yesterday.

Mr. ROBINSON of Arkansas. It is in order to perfect the language of the House bill.

Mr. SMOOT. Of course it is.

Mr. COUZENS. But it has been substituted.

Mr. SMOOT. No; the House bill is now before the Senate.

Mr. ROBINSON of Arkansas. Technically, but not actually.

Mr. SMOOT. I ask that the House bill, which has just been made the unfinished business, be read at this time.

Mr. COPELAND. As I understand it, the House bill is a death sentence.

Mr. SMOOT. The Senator from New York may designate it in that way if he chooses. It is the retirement bill.

Mr. COPELAND. I understood that the bill which the Senator from Oregon has presented is the retirement bill, but the bill referred to by the Senator from Utah is simply to create a graveyard.

Mr. SMOOT. I do not care what designation the Senator from New York may apply to it. It is the retirement bill and the only one we are going to get, if we get any.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. The House bill was referred to the Committee on Civil Service. That committee has reported it back to the Senate, striking out all after the enacting clause and substituting the language of another bill. When the request is made to read the bill, is it not the bill as reported by the committee? I am not a parliamentarian, and I merely ask for a ruling of the Chair on the question.

The VICE PRESIDENT. The formal reading of the bill not having been dispensed with, it is in order now to read the House bill, which the clerk will do.

The Chief Clerk read the bill as passed by the House, as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme

heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined by the Civil Service Commission after consultation with the head of the department, branch, or independent office of the Government concerned: *Provided, further*, That any such employee who was employed as a mechanic for the major portion of his service, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That the term "mechanics" as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to secure from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act, nor be appointed to another position in any branch of the Government service.

EMPLOYEES TO WHOM THE ACT SHALL APPLY

SEC. 3. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil-service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or

other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

METHOD OF COMPUTING ANNUITIES

SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed \$1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed \$1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That

proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employees shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund," such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to $2\frac{1}{2}$ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also $3\frac{1}{2}$ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved, but failure to make such deposit shall deprive the employee of all benefits under this act except as provided in section 12 hereof.

DEDUCTIONS AND DONATIONS

SEC. 10. Beginning on the first day of the second month next following the passage of this act there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to $3\frac{1}{2}$ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, invest, and disburse for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

• RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or

who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

Each department, branch, and independent office of the Government not within the jurisdiction of any executive department shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed \$1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 14. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and

shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 15. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 16. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the board of actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the "civil-service retirement and disability fund" and continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 17. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 18. This act shall become effective on the first day of the second month next following its passage, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date.

Mr. SMOOT. Mr. President, I have two amendments to offer to the bill as it passed the House. I understand that the Senator from Oregon [Mr. STANFIELD], after I have perfected the House text with these amendments, will offer a substitute for the House text. I do not intend to offer the amendments to the bill the Senator from Oregon will offer as a substitute for the House text, but I will offer them to perfect the House text, and then, if the Senator's amendment shall be agreed to—though I hope it will not be—the whole matter will go to conference—the amendments I offer as well as the bill he proposes to offer as a substitute for the House text as amended.

The first amendment I desire to offer is, on page 19 of the House text, to strike out all of line 3 and down to and including line 21, and to insert the language which I send to the desk.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will state the amendment.

The CHIEF CLERK. In section 12, page 19, the Senator from Utah proposes to strike out lines 3 to 21, both inclusive, in the following words:

Each department, branch, and independent office of the Government not within the jurisdiction of any executive department shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

And in lieu to insert the following:

There shall be established and maintained in the General Accounting Office such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee to whom this act applies, and the interest thereon as prescribed by the act shall be computed and credited under such rules as the Comptroller General may prescribe, and each executive department and each independent establishment not within the jurisdiction of any executive department shall discontinue the keeping of such record of deductions made on and after July 1, 1926.

Applications for the return of deductions with accrued interest shall be made to the General Accounting Office, accompanied by a certificate from the proper office showing the amount of deductions for such number of months immediately preceding the making of the application as may be required by the Comptroller General.

Mr. SMOOT. Mr. President, the amendment just read is to take the place of the provision found on page 19 of the House text, lines 3 to 21, both inclusive. The paragraph contemplates that refunds to employees separated from the service shall be made by the Commissioner of Pensions on uncontrolled and unaudited departmental records. In future years these refunds will be very large. They are small at the present time. To insure accuracy and prevent fraud, it would seem essential that refunds should be made only from a properly controlled account in the office of the Comptroller General.

It also seems to be an evasion of the general authority of the Comptroller General under the Budget and Accounting Act. The amendment proposed would eliminate the records in the administrative offices and in the office of the Commissioner of Pensions and would enable the Comptroller General to supply all the information contemplated by these paragraphs as a by-product of the audit which the Comptroller General should make under the law, and with but little additional expense.

In other words, we do not want to have three agencies of our Government keeping the same records, and, as the law compels the Comptroller General to keep a record and an account of the pay roll of every employee of the Government, he will be compelled to keep it forever, and there is no need whatever of another agency doing exactly the same thing.

The amendment I offer to the House text simply directs the Comptroller General to carry out just what the law compels him to carry out to-day, and to furnish that information whenever it is needed in the computing of an annuity to any employee in any branch or division of the Government.

Mr. McKELLAR. Mr. President, I want to read an excerpt from a letter from the Civil Service Commission.

Mr. SMOOT. Read the whole of it, because I have it, and then I will answer the Senator.

Mr. McKELLAR. All right. It states that—

It has been proposed to amend the retirement act to eliminate the Civil Service Commission from participating in the administration of that act.

I stop here long enough to say that that is exactly what the proposal of the Senator from Utah is.

Mr. SMOOT. No; the proposal they speak of there is the amendment I suggested to the bill which was reported by the committee. It does take out a part of the work, as I have already stated, and there is one other amendment which I will suggest, and then I will tell the Senator exactly what the letter means.

Mr. McKELLAR. Outside of what it means, the proposal is to take the management and control of this much of the work out of the hands of the Civil Service Commission, and the next amendment will take more of it away. That is work certainly very intimately connected with civil-service employees. That commission has all their records, and it is its duty to keep the records. They know more about it than any other bureau of the Government does. It is just to take away the duties now devolved upon the Civil Service Commission and turn them over to another body. It would mean a duplication of the work. It is wholly unnecessary. I believe the committee has unanimously turned down the amendments, and I certainly hope the Senate will vote them down.

So far as I know, I have not heard a single Senator, except the Senator from Utah, announce that he was in favor of taking this purely civil service matter out of the hands of the Civil Service Commission, and it should not be done. I hope the amendment of the Senator from Utah will be voted down.

Mr. SMOOT. If the Senator's statement were correct, of course I would vote with him, but the Senator's statement is not correct. The Comptroller General now has the pay roll of every employee of the Government. It is necessary that he should have it. The Comptroller General must know what the annuities are. He knows what the bookkeeping shows, and he keeps the accounts.

Mr. McKELLAR. The Senator says that the Comptroller General has the books and records of all employees. That is true not only of these employees but of all employees. But the Senator will not deny that his proposal is to take the principal administrative features of this act out of the hands of the Civil Service Commission and turn them over to the Comptroller General.

Mr. SMOOT. I deny that it is necessary for two or perhaps three agencies of the Government of the United States to keep the same accounts. There is no necessity for it. There is no justification for it. The two amendments I have offered simply provide that the Comptroller General shall do just what he is doing now under the law. I do not care whether the Civil Service Commission does it or not. Under the law the Comptroller General must of necessity do it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was rejected.

Mr. SMOOT. The next amendment I offer will be found on page 22 of the House text. It is to strike out, after the word "act" in line 18, all down to and including line 22.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In section 14, page 22, line 18, after the word "act," strike out the comma and all down to and including the word "act" in line 22, in the following words:

including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

And in lieu to insert the following:

SERVICE RECORDS

SEC. 14. The General Accounting Office shall maintain as a part of its record of deductions from the basic salary, pay, or compensation of the employees to whom this act applies, such additional items of information relating to such employees as may be required by the board of actuaries for use in future valuations.

Mr. SMOOT. Mr. President, in explanation of this amendment I will say that the records of the General Accounting Office, as required by the amendment proposed, will consist of individual accounts of each employee subject to the retirement act. These individual records will show necessarily the dates of appointment, transfer, and separation of all employees, in addition to the employees' salaries. They will be accumulated from and controlled by the financial accounts of disbursing officers, and may therefore be assumed to be much more complete and accurate than any personnel record that could possibly be maintained in any other way.

It is proposed, therefore, to supplement this record by adding such other items of information as may be required by the board of actuaries for valuation purposes. Not only will this be much less expensive than it would be to have an entirely separate set of records maintained by the Civil Service Commission, but the records will be more accurate as well.

Mr. President, it is all very well for the Senate to pay no attention to what these amendments really mean, but I want to say to the Senate that by its vote the Senate seems to desire to set up three agencies and compel them to keep an accounting system. In fact, I have understood that only last year there was a request made from the Civil Service Commission for eighty-odd thousand dollars to do the very work that is being done by the Comptroller General's office, and the Director of the Budget would not approve of it. The Director of the Budget has approved of both the amendments I have offered, and I say to any Senator here that if he were going to run this himself, and if he had to pay the money for this service, he would never vote against the amendment.

I have no feeling whatever against the Civil Service Commission. I will vote any amount of money for them to carry on their regular work. I have not the least doubt but that

they can do it just as well as the Comptroller General. But as the law compels the Comptroller General to do that work, I can not for the life of me see why the Senate of the United States now wants to go to the expense of some eighty-odd thousand dollars annually.

Mr. COUZENS. Mr. President, the Senator makes a statement, but he has not submitted any proof.

Mr. SMOOT. Does the Senator deny that these accounts are kept by the Comptroller General?

Mr. COUZENS. The records the Senator is talking about are already kept by the Civil Service Commission.

Mr. SMOOT. Some of them are.

Mr. COUZENS. And the Senator is undertaking to destroy them.

Mr. SMOOT. Does the Senator mean that the pay rolls are kept by the Civil Service Commission?

Mr. COUZENS. No.

Mr. SMOOT. Certainly not. That is what the amendment covers. The Comptroller General keeps them now and no amount of annuity can be arrived at nor a credit made unless the pay rolls are examined and the amount that is due every month compounded at 4 per cent quarterly. There is no agency of the Government that without having the pay rolls can find out just the amount of salary paid each employee during each month. It is an impossibility otherwise.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. NEELY. Mr. President, I call for the regular order.

Mr. STANFIELD. Mr. President, I offer the amendment, which I send to the desk.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state the inquiry.

Mr. McNARY. I understood that we had a unanimous-consent agreement to proceed to the consideration of executive business at this hour.

The PRESIDING OFFICER. The Senator is correct. The hour of 3 o'clock having arrived, in accordance with the unanimous-consent agreement previously entered into, the Senate will now proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 2 hours and 30 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 33 minutes p. m.) took a recess until to-morrow, Thursday, May 20, 1926, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 19 (legislative day of May 17), 1926

DIRECTOR OF THE WAR FINANCE CORPORATION

Floyd R. Harrison, of the District of Columbia, to be a Director of the War Finance Corporation. A reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19 (legislative day of May 17), 1926

UNITED STATES MARSHAL

Albert White to be United States marshal, first division, district of Alaska.

POSTMASTERS

ARKANSAS

Carl G. Nielsen, Dermott.
Juanita Barton, Turrell.

INDIANA

Lawrence O'Connor, Troy.

KANSAS

Minnie Temple, Bennington.
Henry Uhlenhop, Leonardville.

WEST VIRGINIA

Stewart S. Stepp, Chattaroy.
Carl R. Varnum, Huntington.
Howard Cook, Lorado.
Finley Oakes, Worthington.